



DENTAL BOARD OF CALIFORNIA
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Meeting Minutes – Full Board
November 18, 2005
San Diego, CA

Members Present:

Newton Gordon, DDS
George SooHoo, DDS
Kevin Biggers, Public
Alan Kaye, DDS
Lawrence Hundley, DDS
David Baron, Public
Patricia Osuna, RDH
Kamran Sahabi, DDS
Lewis Turchi, DDS
Harriet Seldin, DMD
Nora Vargas, Public

Members Absent:

None

Dr. Gordon called the meeting to order at 8:40a.m. and by taking roll, established a quorum.

Agenda Item 1 – Approval of Minutes of May 19, August 18 and August 31 2005 Meetings:

It was M/S/C (Osuna/Kaye) to accept the minutes of the May 19 meeting as presented. It was M/S/C (Osuna/Kaye) to accept the minutes of the August 18 meeting with the correction by Member Turchi that he excused himself from the meeting Friday afternoon. It was M/S/C (Kaye/Osuna) to accept the minutes of the August 31 meeting as presented.

Agenda Item 2 – President's Report:

Board President Gordon was pleased to report the following accomplishments during his tenure resolution to the Dental Materials Fact Sheet, implementation of the Loan Repayment Program and completion of the WREB analysis. He noted that additionally, a Blue Ribbon Panel on Anesthesia was set up to update the regulations regarding General Anesthesia, Conscious Sedation and Oral Conscious Sedation for Minors and Adults, to be a hallmark for the United States. He gave plaudits to Ms. Coleman-Griffith for her fine job as Interim Executive Officer, adding that the Board is fortunate to have had such a dedicated leader. He reported that he was part of the search for a new Executive Officer, noting that Bob Hedrick was chosen from a field of over thirty candidates for his experience in advocacy and the belief that he would serve the Board well. He noted that the Board had lost two members, Brandon Hernandez and LaDonna Drury Klein, but gained a new public member

Ms. Nora Vargas.

President Gordon reported that one of his concerns during his tenure has been the pass rate at exams. He noted that the pass rate for RDA candidates over 5 years is 63-68%, with no significant difference between candidates qualifying through education or on-the-job experience. He continued that the pass rate for RDH candidates over the same period is 56% - 86%, Dental candidates 67% - 75%. Those graduating from California schools passed at a 73% - 81% rate, while candidates graduating from other states passed at a much lower 55% - 58% rate. He stated his belief that this is an impediment to entry into the profession and advised that it behooves the Board to make changes or at least make way for them. He noted that it had been a tumultuous 4 years, but he felt that he had made a significant contribution to dentistry and public protection.

Public Member Biggers commended Ms. Coleman-Griffith on a job well done, and thanked President Gordon for his leadership. Member Kaye commended President Gordon for his vision and his willingness to share his expertise with young upcoming dentists.

President Gordon then presented Ms. Coleman-Griffith with an award for 24 years of committed, dedicated service.

Agenda Item 3 – Executive Officer's Report:

Executive Officer Hedrick reported that he had come on board October 17th and is still getting to know everyone. He added that he is looking at processes, taking stock of needs and scrutinizing what we do well and what we do less well. He reported that he has met with the Tustin Enforcement Office and CDA and has developed a close working relationship with Legal staff. He noted that the next few weeks and months will focus on communication, clear lines of authority and accountability.

He reported that a Chief Investigator is close to being hired, and he will be hiring an Executive Secretary soon, but for the short term he intends to implement faster, more improved communication and a quicker, sharper response to members and the public. He added that there is a good core of staff to build around.

Agenda Item 3.1 – Visit to Manipal, India:

This item is informational only.

Agenda Item 4 – Budget Report:

Executive Officer Hedrick presented the Budget report. Edmund Carolan, California Dental Association (CDA), asked if all vacancies have been filled. Hedrick noted that for budget projections, the assumptions for filling staff vacancies are noted in the report, although the vacancies may not actually be filled by the projected dates.

Agenda Item 5 – Set Board Meeting Dates for 2006:

Legal Counsel Powell noted that since this Board was the last one to set meeting dates, her schedule had conflicts with the dates previously discussed. After discussion and consultation with Legal Counsel, the Meeting Dates for 2006 were tentatively set for Thursday and Friday, January 26 and 27, Tuesday and Wednesday, April 11th and 12th, Thursday and Friday, August 3rd and 4th, and Tuesday and Wednesday, November 14th and 15th.

Agenda Item 6.1 – COMDA Report-Approval of Auxiliary Educational Programs:

The Committee on Dental Auxiliaries (COMDA) recommends that the Board approve the Coronal Polishing Course of Colleen M. Hanley, Anaheim Hills, the Radiation Safety Courses of Dental Advantage, Newhall, Dental Advantage, Glendale, San Diego Dental Careers, San Diego, California Dental Careers, Los Gatos, California Dental Careers, Sunnyvale, Southeast Regional Occupational Program and the Pit and Fissure Sealant Courses of Pasadena City College, Pasadena and Dental Specialties Institute, San Diego. It was M/S/C (Osuna/Kaye) to approve the programs.

Agenda Item 6.2 – COMDA Report - Recommendations to Increase Auxiliary Fees:

Member Biggers thanked COMDA's Executive Officer Karen Wyant for all her hard work on the proposals. It was M/S/C (Biggers/Hundley) to accept the proposed increases outlined in Attachment B. Cathy Mudge, CDA, noted that there is currently an impasse regarding the on-the-job training path to licensure for RDAs, adding that CDA intends to pursue legislation.

Agenda Item 7.1 – Diversion Program Statistics:

This item is informational only.

Agenda Item 8 – Remedial Education Hours

Member Osuna noted that apparently the schools are unable to remediate a general dentist to a specialty category in an educational program of 150 hours, as is currently allowed by the Board. She asked if any action is required. Vice President SooHoo noted that an Ad Hoc Committee could be appointed to investigate, however Osuna felt that if the schools would not provide such a program, a Committee would not change that fact. President Gordon stated that if the schools will not do so, then it is an enforcement issue. Legal Counsel Powell suggested that the Board look at the PACE Program utilized by the Medical Board as a model. Member Kaye saw it from an enforcement and ethical viewpoint, noting that if the dentist wishes to practice the specialty, it is incumbent upon him to go back to school. He felt that they should not have performed the specialty function if not competent to do so. Member Osuna suggested the issue be referred to the Enforcement Committee. Earl Johnson, California Association of Orthodontists (CAO), objected to the concept of remediation for dental specialties, believing it is not possible to be educated to a specialty in only 150 hours when the full program is 5,000 hours. Member Hundley felt the discipline should be the same for any dentist or specialist practicing outside their area of expertise.

President Gordon referred the issue to the Enforcement Committee.

Agenda Item 9 – Approval to Notice WREB and Licensure Application

Executive Officer Hedrick reported that these regulations are needed to implement the statute and allow staff to accept applications and fees. He noted that Section 1034.1 of the regulations had to be changed to reflect the statute, adding that any earlier version approved by the Board was a misinterpretation of the statute. Member Hundley asked if each state did not, in fact, set its own pass point for the exam. Dr. Bill Woods, WREB representative and California and Arizona licensed dentist, replied that no individual state sets its own pass point, the exam requires a 75% overall score to pass. Edmund Carolan, CDA, noted that the letter from DCA's Office of Examination Resources indicates a similar pass rate for both exams. Member Osuna indicated that she and Member Seldin had met with WREB representatives to discuss the Board's concerns.

Dr. Woods, WREB, noted that their exam historically has had up to an 84% pass rate, however due to changes in the psychometrics of the exam, currently the pass rate is 74% for California graduates, similar to California's exam statistics. He added that the 11 Western states that are members of WREB determine the pass rate, and there is a 55% minimum passing score for each section. Del Hammond, psychometrician for WREB, added that the pass rate represents the lowest cut score, which is integrated into exam development. Dr. Woods reported that 32 states accept the WREB examination for dental licensure. Member Kaye asked how problems with the exam could be addressed, Legal Counsel Powell felt that this could be done if there was a determination that the requirements of Section 139 were not being met. She added that an Occupational Analysis must be completed at least once every 7 years.

Executive Officer Hedrick noted that the Board must report to the Legislature regarding the pass rates of the exam, if there is a problem the Board could ask the Legislature to take action. Legal Counsel Powel added that the Board could request another review by the Department's Office of Examination Resources, depending on the situation.

M/S/C (Seldin/Turchi) to approve the regulations to enable implementation of the WREB examination as an alternative to the California clinical dental exam and move forward with an Emergency filing of the regulation package. The motion carried unanimously.

Agenda Item 10 – Continuing Education Committee

10.1 - Chair Osuna reported that the minutes of the August 18th Continuing Education Committee meeting were approved.

10.2 - Chair Osuna reported that the Continuing Education Committee tabled a proposal to allow continuing education units for subject matter experts for General Anesthesia or Conscious Sedation site evaluations to the next meeting date for interested parties to participate in the discussion.

10.3 – Chair Osuna reported that a motion to add a mandatory course on Dental Professionals Against Violence (DPAV) to renewal requirements for all licensees had failed to pass in the CE Committee. In response to further testimony by Kathleen Shanell-Hogan, DDS, MA, and comments from Members Seldin and Kaye M/S/C (Sahabi/Osuna) to include recognitions of the signs and symptoms of abuse, and California mandated reporting responsibilities, procedures, penalties, legal rights of immunity and for child abuse, neglect and domestic violence within the current mandatory California Dental Practice Act and Ethics course. Legal Counsel Powell stated that this would require a regulatory change noting that the Child Abuse Reporting Act is normally updated each year. Osuna asked that regulatory language be brought to the next meeting for consideration.

10.4 – Chair Osuna reported that a motion to modify the renewal notice to include continuing education units taken by the licensee failed to pass the CE Committee.

M/S/C (Hundley/Kaye) to accept the Continuing Education Committee report with the modifications.

Chair Osuna reported that several individuals had questioned her regarding the letter outlining the changes to required units, which was sent only to course providers. She felt this information should be available to all licensees, each of whom is responsible for completing the units required to maintain their licenses. She believed that it should at least be posted on the website. Member Kaye suggested the next newsletter also contain the information.

Agenda Item 11 –Examination Committee

11.1 –11.2 – Chair SooHoo reported that the minutes of the August 18th Examination Committee meeting were approved with minor corrections and historical examination statistics were provided to the Committee for each of the auxiliary examination programs.

11.3 – Ad Hoc Committee on Grading Report – Member Hundley reported that the law requires successful completion of a written exam in English, a clinical component and the California law and ethics exam. He reported that the Committee evaluated methods of testing and observation of candidates' work. He reported that the Committee felt that developing other testing categories could change the scoring process for the clinical exam and by allowing successful completion to include two categories failed that the pass rate could be improved.

11.4 – Consideration of ADEX Proposal for Membership – Chair SooHoo reported that the American Board of Dental Examiners (ADEX) requested that their exam be recognized. Legal Counsel Powell advised that this would require a Legislative change. This item was tabled until the January meeting.

11.5 – Chair SooHoo noted that exam statistics for USC and UOP clinical exams in September and October are in the Board packets. This item is informational only.

11.6 – Consideration of Increasing Examiner Compensation - Chair Soo Hoo reported that the Examination Committee M/S/C (Kaye/Gordon) to increase examiner compensation from the current \$125 per day plus expenses to \$250 per day plus expenses, contingent upon the Budget Change Proposal required.

11.7 – Review and Discussion of the Occupational Analysis of the Dental Licensure Examination – Chair SooHoo reported that the Committee had briefly discussed the Occupational Analysis.

11.8 - Tentative Exam Dates for 2006 – Chair SooHoo reported that the February dates have been removed and it was M/S/C (Kaye/Gordon) to approve the dates in the packet.

Chair SooHoo reported that future items agendaized were the CDA Pilot and he had called an Examination Committee meeting for December 5. He reported that Member Osuna had requested that an RDH Member be added to the Examination Committee.

M/S/C (Kaye/Osuna) to accept the report of the Examination Committee

Executive Officer Hedrick noted that Chair SooHoo requested that a Task Force be appointed to evaluate the review and bring back any recommended changes to the exam.

Edmund Carolan, CDA, advised that Dr. SooHoo had asked if CDA could assist in the Board's efforts in recruiting qualified examiners and indicated that CDA would publish a notice if provided by the Board.

Agenda Item 12 – Licensing Committee Report

12.1 – Chair Kaye reported that the August 18 minutes of the Licensing Committee were approved as presented.

12.2 - Approval of Extramural Facilities pursuant to CCR Section 1025 – Chair Kaye reported that the Committee approved the request for approval of Extramural Facilities of Hamilton Family Center, San Francisco.

12.3 – Licensure by Credential Statistics – Chair SooHoo reported that statistics for Dentists were provided by Dental Board staff, and statistics for Registered Dental Hygienists were provided by COMDA. Karen Wyant, COMDA E.O. reported that no hygienists have qualified by contract to date, and that information will be provided to the Legislature by 12/31 as required. Ariane Terlet requested that this information be provided for Dentists.

12.4 – Consideration of Application for a New License to Replace Cancelled License – Chair SooHoo reported that after consideration the Committee recommends issuance of a new RDA license to the applicant.

It was m/s/c (Seldin/Hundley) to accept the report of the Licensing Committee as read.

Agenda Item 13 – General Anesthesia Committee Report

13.1 – Chair Kaye reported that the August 18 minutes of the Anesthesia Committee were approved as corrected.

13.2 - Proposed Changes to CCR Section 1044 et seq. Adult Oral Conscious Sedation - Chair Kaye requested that Legal Counsel report on the Committee's actions. Legal Counsel Powell reported that the Committee approved the language, which incorporate the changes made to the Section for Oral Conscious Sedation of minors, and directed changes to be made by staff and Legal Counsel to clarify and make consistent with statute Sections 1044.1 and 1044.2, eliminate "in a facility" in Section 1044.3(b), and clarify that if a licensee holds a permit to administer Oral Conscious Sedation to Minors, it would include adults.

13.3 – Bis-Phosphonate Osteonecrosis – Chair Kaye reported that the Committee discussed the issue and recommended adding a link to the information on the Board's webpage.

13.3 – Appeal of Onsite Inspection – Chair Kaye reported that the Committee determined that the fail result will stand and the applicant be re-inspected at no charge.

It was M/S/C (Turchi/Biggers) to accept the report of the Anesthesia Committee.

Lola Swaby, Dental Organization for Conscious Sedation, urged the Board to reconsider the current 25-hour requirement and adopt the ADA guideline of 18 hours for this training. She further asked that instruction be allowed either by supervised administration or by group observation with an age-appropriate patient. President Gordon and Member Kaye felt that discussion with Dr. Yagiela, Chair of the Blue Ribbon Panel, was needed prior to making any such change. Dr. Seldin asked what public protection would be impacted by acceptance of the proposed changes. Jeff Gray, DDS, explained that the group instruction by videotape gave several different scenarios as to the effects on various patients, giving a fuller instructional experience than one live patient would. Member Kaye stated that he would transmit the information to Dr. Yagiela. Dr. Reggiardo pointed out that these regulations cover both Minor and Adult patients, he cautioned against such a change as it would also affect very young minor patients. Legal Counsel Powell agreed that the Section applies to both, and this would require addition of a separate section, possibly bring forward to the regulatory hearing.

Agenda Item 14 – Exam Appeals Committee Report

14.1 – Review of Appeals Re-Examination Policy - Chair Hundley reported that the current letter granting a candidate may not state clearly that if the candidate failed the appealed portion of the examination, all parts of the examination must be re-taken. Executive Officer Hedrick stated that the letter would be revised to make this clear to the candidate.

14.2 – Review of Exam Appeals - Chair Hundley reported that there were no appeals to be considered. It was m/s/c (Turchi/Biggers) to accept the report as presented.

Agenda Item 15 – Election of 2006 Officers

M/S/C(Sahabi) to nominate Vice President SooHoo for President, M/S/F (Biggers) to nominate Member Osuna for Vice President, M/S/C(Turchi) to nominate Member Kaye for Vice President, M/S/C(SooHoo) to nominate Member Sahabi for Secretary.

Public Comment

An audience member advised the Board of an issue that could affect dentistry. He read an article regarding the recall of a grafting tissue product that he felt licensees should be advised of. He read that these tissues may have been implanted into patients from early 2004 until September 2005, and was widely used by periodontists. The unused tissue is being recalled, and the dentists who may have used this tissue are being contacted. Processors are informing dentists of the recall and advising them to notify their patients who may be affected. He felt some consumers may contact the Board regarding this issue, and wanted the Board to be aware of it. Legal Counsel Powell noted that no action could be taken unless agendized. M/S/C (Kaye/SooHoo) to agendize for the next Board meeting.

Member Seldin requested that staff consider setting up a planning session, noting that at the orientation she attended she understood that there were facilitators available and other boards are doing this. She requested that staff bring information back to the next meeting. She further requested that an update on the Commission on Dental Accreditation's efforts in looking at International Dental School accreditation be agendized.

Adjournment

The meeting was adjourned at 1:50pm.